

SERVED : January 12, 1994

NTSB Order No. EA-4059

**UNITED STATES OF AMERICA  
NATIONAL TRANSPORTATION SAFETY BOARD  
WASHINGTON, D.C.**

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD  
at its office in Washington, D.C.  
on the 7th day of January 1994

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DAVID R. HINSON,  
Administrator,  
Federal Aviation Administration,

Complainant,

Docket SE-13103

v.

ROBERT M. WALZ,

Respondent.

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ORDER DISMISSING APPEAL

On August 18, 1993, respondent filed a notice of appeal from the oral initial decision Administrative Law Judge Patrick G. Geraghty rendered at the conclusion of an evidentiary hearing held on August 11, 1993.<sup>1</sup> However, the respondent has failed to file an appeal brief and, therefore, his appeal is subject to

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<sup>1</sup>The law judge affirmed an emergency order of the Administrator revoking all airman certificates held by respondent, including Commercial Pilot Certificate Number 471940553 for his alleged violation of section 61.59(a)(2) of the Federal Aviation Regulations. The respondent waived expedited processing of the case as an emergency.

dismissal under section 821.48(a) of the Board's Rules of Practice.\* 49 CFR 821.

ACCORDINGLY, IT IS ORDERED THAT:

The respondents appeal is dismissed.

VOGT, Chairman, COUGHLIN, Vice Chairman, LAUBER, HAMMERSCHMIDT ,  
and HALL, Members of the Board, concurred in the above order.

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<sup>2</sup>Section 821.48(a) provides as follows:

§ 821.48 Briefs and oral argument.

(a) Appeal briefs. Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.